

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT McNEELEY,

CV F 02 5385 AWILJO P

Plaintiff,

v.

ORDER STRIKING SURREPLY FROM  
RECORD (Doc. 93.)

CA DEPT. CORRECTIONS, et. al.,

Defendants.

Robert McNeeley ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On December 6, 2005, Defendants filed a Motion for Summary Judgment. (Doc. 88.) Plaintiff filed an opposition to the Motion (titled "Response to Motion for Summary Judgment") on December 9, 2005. (Doc. 90.) On January 4, 2006, Defendant filed a Response to Plaintiff's opposition. (Doc. 91.) Plaintiff then filed a "Reply" to Defendant's Response to Plaintiff's Opposition to the Motion for Summary Judgment on January 19, 2006. (Doc. 93.)

Neither the Federal Rules of Civil Procedure nor the Local Rules provides the right to file a surreply, and the court has not ordered one. Accordingly, Plaintiff's surreply, titled "Reply to Defendant's Objection to Plaintiff's Objection of Motion for Summary Judgment" IS DISREGARDED AND STRICKEN from the record.

IT IS SO ORDERED.

**Dated: January 23, 2006**  
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**/s/ Lawrence J. O'Neill**  
UNITED STATES MAGISTRATE JUDGE